

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAKE COUNTY PLASTERERS AND
CEMENT MASONS FRINGE BENEFIT
FUNDS, *et al.*,

Plaintiffs,

vs.

KEVCO, INC., a Wisconsin corporation,

Defendant.

CIVIL ACTION

NO. 07 C 6515

JUDGE GEORGE W. LINDBERG

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

DEBORAH L. FRENCH, being first duly sworn upon her oath, deposes and states:

1. I am the Collections Department Manager for the Lake County Plasterers and Cement Masons Fringe Benefit Funds and in such capacity, I have knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings I am competent to testify in respect thereto.

2. I have read the Complaint filed in this cause, and know of my own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust, and all facts alleged therein, and if called and sworn as a witness I am competent to testify thereto.

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3. I am charged with keeping and maintaining records of contributions received by the Plaintiff Funds, I maintain individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, I receive and record contribution reports made by such persons, firms or corporations, and I have under my supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

4. An audit was performed upon the payroll books and records of the Defendant by Levinson Simon & Sprung, P.C., Certified Public Accountants. The audit covered the period from October 1, 2005 through November 30, 2006.

5. I have examined the Statement of Additional Reportable Hours that was prepared by Levinson Simon & Sprung, P.C. and have determined that, based upon those additional hours for which contributions are due and all other evidence maintained in my records, the amount of \$6,293.76 is due from the Defendant to the Plaintiff Funds for contributions.

6. Levinson Simon & Sprung, P.C. has charged the Trustees the sum of \$921.60 for auditing fees, which sum has been paid. Pursuant to the terms of the Trust Agreements to which Defendant is bound, Defendant has agreed to be liable for payment of said sum.

7. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant based on the unpaid contributions due pursuant to the audit in the total amount of \$629.38.

8. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of ten (10%) percent of the total contributions untimely

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received, compounded monthly at two (2%) percent, for the period accrued through May 31, 2007, in the total amount of \$1,432.95.

9. Interest in the amount of 1.5% per month on the declining balance due has been assessed against the Defendant in the total amount of \$348.71.

10. Defendant made partial payments towards the amounts set forth above totaling \$1,604.40, leaving a balance due and owing of \$8,022.00.

11. I am duly authorized by Plaintiffs in this behalf, I have personal knowledge of the matters set forth above and if I am called as a witness in this cause, I am competent to testify thereto.

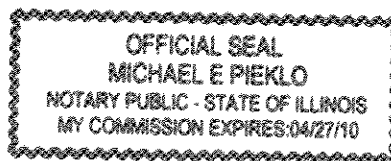
12. I make this Affidavit in support of the application of Plaintiffs for entry of default and judgment and request this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.

Deborah L. French
DEBORAH L. FRENCH

SUBSCRIBED AND SWORN to
before me this 9th
day of January 2008.

Michael E. Pieklo
NOTARY PUBLIC



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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Deborah L. French) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 16th day of January 2008:

Mr. Kevin A. Powalisz, Registered Agent
Kevco, Inc.
6418 South Howell Avenue
Oak Creek, WI 53154

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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